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DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

C-489-819

Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

SUMMARY: The Department of Commerce (the Department) has completed its administrative review of the countervailing duty (CVD) order on steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey). The period of review (POR) is September 15, 2014, through December 31, 2014. This review covers 12 producers/exporters of subject merchandise, two of which the Department selected for individual examination: Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas) and Kaptan Demir Celik Endustrisi ve Ticaret A.S. and Kaptan Metal Dis Ticaret ve Nakliyat A.S. (Kaptan Demir Companies) (collectively, the mandatory respondents). The ten firms that were not individually examined are included in the chart under the Final Results of Review section, below.

We find that the mandatory respondents each received a *de minimis* net subsidy rate during the POR. See “Final Results of Review” section of this notice below for the rates calculated for the companies covered in this review.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Kristen Johnson (Icdas) and Samuel Brummitt (Kaptan Demir Companies), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue

NW, Washington, DC 20230; telephone (202) 482-4793, and (202) 482-7851, respectively.

### Scope of the Order

The scope of the order consists of steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade. The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0015, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6085, 7228.20.1000, and 7228.60.6000. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.<sup>1</sup>

### Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised by interested parties and to which we responded in the Issues and Decision Memorandum is provided in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at

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<sup>1</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Countervailing Duty Order*, 79 FR 65926 (November 6, 2014) (the *Order*). For a full description of the scope of this order see Memorandum, "Decision Memorandum for Final Results of Countervailing Duty 2014 Administrative Review: Steel Concrete Reinforcing Bar from the Republic of Turkey," dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

<http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

### Methodology

The Department conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>2</sup> For a full description of the methodology underlying all of the Department's conclusions, *see* the Issues and Decision Memorandum.

### Partial Rescission of Review

Entries of merchandise produced and exported by Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas) are not subject to countervailing duties because the Department's final determination with respect to this producer/exporter combination was negative.<sup>3</sup> However, as stated in the *Initiation Notice*, any entries of merchandise produced by any other entity and exported by Habas, or produced by Habas and exported by another entity, are subject to the *Order*.<sup>4</sup>

Because there is no evidence on the record of entries of merchandise produced by another entity and exported by Habas, or entries of merchandise produced by Habas and exported by another entity, we determine that Habas is not subject to this administrative review. Therefore, pursuant to 19 CFR 351.213(d)(3), we are rescinding the review with respect to Habas.

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<sup>2</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>3</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Affirmative Countervailing Duty Determination Final Affirmative Critical Circumstances Determination*, 79 FR 54963, 54964 (September 15, 2014).

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 736, 740 (at footnote 4) (January 7, 2016) (*Initiation Notice*).

## Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we determine the following net countervailable subsidy rates for the period September 15, 2014, through December 31, 2014:

<b>Company</b>	<b>Subsidy Rate <i>Ad Valorem</i></b>
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.	0.01 percent ( <i>de minimis</i> )
Kaptan Demir Celik Endustrisi ve Ticaret A.S. and Kaptan Metal Dış Ticaret ve Nakliyat A.S.	0.02 percent ( <i>de minimis</i> )
3212041 Canada Inc.	0.00 percent
Acemar International Limited	0.00 percent
As Gaz Sinai ve Tibbi Azlar A.S.	0.00 percent
Colakoglu Dis Ticaret A.S. (also known as Colakoglu Disticaret AS)	0.00 percent
Colakoglu Metalurji A.S.	0.00 percent
Del Industrial Metals	0.00 percent
Izmir Demir Celik Sanayi A.S.	0.00 percent
Ozkan Demir Celik Sanayi A.S.	0.00 percent
Tata Steel International (Hong Kong) Limited (also known as Tata Steel International (Hong Kong))	0.00 percent
Tata Steel UK <sup>5</sup>	0.00 percent

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle Corp. v. United States*,<sup>6</sup> we are applying to the non-selected companies the rates calculated for the mandatory respondents, which are *de minimis*.

## Disclosure

We will disclose to the parties in this proceeding the calculations performed for these final results within five days of the date of publication of this notice in the *Federal Register*.<sup>7</sup>

## Assessment and Cash Deposit Requirements

In accordance with 19 CFR 351.212(b)(2), the Department intends to issue assessment

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<sup>5</sup> The name of Tata Steel UK was incorrectly spelled in the *Initiation Notice*. The company's name was inadvertently listed as "Tata Steel U." See *Initiation Notice*, 81 FR at 740.

<sup>6</sup> See *Albemarle Corp. v. United States*, 821 F.3d 1345 (Fed. Cir. May 2, 2016).

<sup>7</sup> See 19 CFR 351.224(b).

instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after September 15, 2014, through December 31, 2014, without regard to countervailing duties because a *de minimis* subsidy rate was determined for each of the above listed companies.

The Department also intends to instruct CBP to collect cash deposits of zero percent for each company listed on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Return or Destruction of Proprietary Information

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213(d)(4) and 19 CFR 351.221(b)(5).

Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

Dated: June 6, 2017

## **APPENDIX**

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- Comment 5: Whether the Department Should Have Required a Response from Kaptan Demir’s Cross-Owned Power Producer

#### VIII. Conclusion

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